

[10121/01601]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

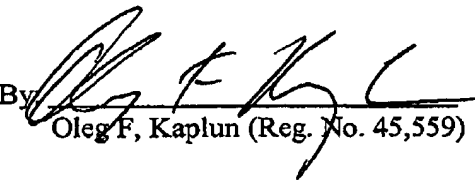
Applicant(s) : James F. McGUCKIN  
Serial No. : 09/697,306  
Filed : October 27, 2000  
Title : SURGICAL APPARATUS AND METHOD  
Group Art Unit : 3761  
Examiner : G. Dawson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop AF

**NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner made in the Final Office Action dated November 7, 2003 rejecting claims 36-48.

Dated: February 27, 2004

By   
Oleg F. Kaplun (Reg. No. 45,559)

FAY KAPLUN & MARCIN, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
(212) 619-6000 (telephone)  
(212) 619-0276 (facsimile)

**Marina Orman**

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From: Oleg Kaplun  
Sent: Thursday, February 26, 2004 5:20 PM  
To: 'Dillon, Kathy'  
Cc: Marina Orman  
Subject: RE: Your File No. 10121/01601

Dear Kathy,

This is to let you know that the case will proceed as instructed.

Regards,

Oleg

-----Original Message-----

From: Dillon, Kathy [mailto:kathy.dillon@boston-scientific.com]  
Sent: Thursday, February 26, 2004 4:58 PM  
To: Patrick Fay  
Cc: Oleg Kaplun; Marina Orman  
Subject: Your File No. 10121/01601  
Importance: High

Re: U.S. Patent Application No. 10/121,016  
"Surgical Apparatus and Method"  
Our File No. 94-L0034CON-DIV  
Your File No. 10121/01601

Dear Pat:

In response to your letter dated February 24th regarding the Advisory Action for the above referenced file Bob has reviewed the case. He would like you to go ahead and file a Notice of Appeal by the due date of March 7th, 2004.

Please reply by return email to confirm your receipt of this message. Thanks for your help.

Kathy (Cronin) Dillon  
Boston Scientific Corporation  
One Boston Scientific Place  
Natick, MA 01760  
Patent Department - C15  
(508) 650-8768

**BEST AVAILABLE COPY**

**Oleg Kaplun**

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**From:** Dillon, Kathy [DillonK@bsci.com]  
**Sent:** Thursday, February 26, 2004 4:56 PM  
**To:** Patrick Fay  
**Cc:** Oleg Kaplun; Marina Orman  
**Subject:** Your File No. 10121/01601

**Importance:** High

**Re:** U.S. Patent Application No. 09/697,306  
"Surgical Apparatus and Method"  
Our File No. 94-L0034CON-DIV  
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One Boston Scientific Place  
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